

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

Plaintiff,

Criminal No. 13-CR-20349

v.

HON. ARTHUR J. TARNOW

D-1 RAJESH DOSHI,

Defendant.

**DEFENDANT'S MOTION FOR JUDICIAL RECOMMENDATION
FOR HOME CONFINEMENT BASED ON
THE COVID-19 PANDEMIC**

NOW COMES Defendant, by and through his attorney, Anjali Prasad, and in support of his Motion for Judicial Recommendation for Home Confinement states as follows:

1. That on October 31, 2016, defendant was sentenced by this Honorable Court to a prison term of 84 months. The Court allowed him to surrender voluntarily to begin his sentence.
2. That defendant surrendered to FCI Morgantown, located in Morgantown, West Virginia, on November 30, 2018.

3. That defendant is currently due for release from BOP custody on November 15, 2023.
4. That pursuant to 18 U.S.C. § 3624(c)(2), the BOP may place an inmate in home confinement for the short of 10 percent of the term of imprisonment of that prisoner, or six (6) months if they are a low risk offender.
5. That while defendant does not presently qualify for home confinement, the following demonstrates that judicial recommendation of home confinement for the remainder of his prison time should be issued due to the COVID-19 pandemic.
6. That on March 10, 2020, Governor Gretchen Whitmer declared a State of Emergency in the State of Michigan due to the spread of the COVID-19 virus.
7. That on March 13, 2020, President Donald Trump issued a State of Emergency in the United States of America due to the spread of the COVID-19 virus.
8. That on March 13, 2020, the Honorable Denise Page Hood, Chief Judge in the Eastern District of Michigan, entered and Administrative Order regarding COVID-19.

9. That the Center for Disease Control and Prevention (CDC) states that older adults with chronic medical conditions (like heart disease, diabetes, lung disease) are more likely to contract COVID-19 and suffer fatal outcomes.
10. That the CDC has issued guidance that individuals at higher risk of contracting COVID-19 take immediate preventative actions, including avoiding crowded areas and staying home as much as possible.
11. That defendant is 64-years-old and suffers from ailments that include diabetes and hypertension.
12. That if defendant remains incarcerated, he is at a higher risk to contract COVID-10 and pass it on to other inmates.
13. That if defendant acquires the virus while incarcerated, he is at grave risk for possibly fatal outcomes.
14. That this Court should consider the total harm and benefits to prisoner and society that continued imprisonment will yield, relative to the heightened health risks posed to defendant during this rapidly encroaching pandemic. *See Davis v. Ayala*, 135 S. Ct. 2187, 2209 (2015) (Kennedy, J., concurring) (calling for heightened judicial scrutiny of the

projected impact of jail and prison conditions on a defendant).

15. That defendant has been incarcerated for approximately 15 months with no disciplinary infractions.
16. That defendant is a non-violent offender.
17. That defendant is a first-time offender with no other criminal record.
18. That a recommendation by this Court, if followed by BOP, would not shorten defendant's sentence. Instead, it would allow him to serve the remainder of his sentence under home confinement.
19. Undersigned counsel contacted opposing counsel and provided a copy of this motion but did not obtain concurrence with the relief requested.

WHEREFORE, Defendant Rajesh Doshi requests that this Honorable Court grant his Motion for Judicial Recommendation for Home Confinement and recommend to the Bureau of Prisons that he be placed in home confinement for the remainder of his sentence.

Respectfully Submitted,

/s/ Anjali Prasad
ANJALI PRASAD (P75771)
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Dated: March 27, 2020

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

Plaintiff,

Criminal No. 13-CR-20349

HON. ARTHUR J. TARNOW

v.

D-1 RAJESH DOSHI,

Defendant.

**BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR JUDICIAL
RECOMMENDATION FOR HOME CONFINEMENT BASED ON
THE COVID-19 PANDEMIC**

As the Center for Disease Control acknowledged on March 23, 2020, prison confinement conditions create a serious risk for the spread of COVID-19, even among a healthy population. *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, CENTER FOR DISEASE CONTROL (March 23, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guideance-correctional-detention.html>. Conditions of pre-trial confinement create the ideal environment for the transmission of contagious disease. *See, e.g. Joseph A. Bick, Infection Control in Jails and Prisons*, 45

Clinical Infections Diseases 1047, 1047 (Oct. 2007), <https://doi.org/10.1086/521910> (noting that in jails “[t]he probability of transmission of potentially pathogenic organisms is increased by crowding, delays in medical evaluation and treatment, rationed access to soap, water, and clean laundry, [and] insufficient infection-control expertise”). *See also* Claudia Lauer & Colleen Long, *US Prisons, Jails On Alert for Spread of Coronavirus*, *Associated Press* (Mar. 7, 2020). Further, on March 26, 2020, the United States Attorney General, William Barr, directed the Director for the Federal Bureau of Prisons to “prioritize the use of your various statutory authorities to grant home confinement for inmates seeking transfer in connection with the ongoing COVID-19 pandemic.” *See* Exhibit A (attached).

WHEREFORE, Defendant requests this Honorable Court grant his Motion for Judicial Recommendation for Home Confinement and recommend to the Bureau of Prisons he be placed in home confinement for the remainder of his sentence.

Respectfully Submitted,

/s/ Anjali Prasad
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Dated: March 27, 2020

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing paper with the Clerk of the Court using the ECF system that will send notification of such filing to all registered parties.

/s/ Anjali Prasad
Anjali Prasad (P75771)